

REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Currently, claims 27-41 are pending in the present application. Claims 1-16 are cancelled. Claims 17-26 were previously withdrawn. By way of example, independent claim 27 provides for an absorbent article comprising a cover layer. The cover layer comprises a user contacting surface and a non-contacting surface, wherein the cover layer has indicia formed thereon. The cover layer defines one or more apertures having an opening that tapers in a direction extending away from the user contacting surface towards the non-contacting surface. The article includes a bottom layer and an absorbent layer disposed between the cover layer and the bottom layer.

Claim Objections

Applicants respectfully submit that the objections to claims 3 and 6 are moot in light of the above amendments.

35 U.S.C. § 112 Rejections

Applicants respectfully submit that the rejections under 35 U.S.C. § 112 are moot in light of the above amendments.

35 U.S.C. § 102(b) and 103(a) Rejections

Previously, claims 1-5, 7-8, 11-12 and 16 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,431,643 to Quellette et al. Claims 6 and 9-10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Quellette et al. Applicants respectfully submit that these rejections are moot in light of the above amendments. By way of example, independent claim 27 requires a cover layer that defines one or more

apertures having an opening that tapers in a direction extending away from the user contacting surface towards the non-contacting surface. Quellette et al. does not describe tapered apertures. Applicants also assert that, for at least the same reasons, dependent claims 28-41 also patentably define over the cited reference. The patentability of the dependent claims, however, certainly does not hinge on the patentability of independent claim 27. In particular, some or all of the dependent claims may possess features that are independently patentable, regardless of the patentability of claim 27. By way of example only, claim 28 also requires that the indicia are formed upon the non-contacting surface of the cover layer, a limitation Applicants respectfully submit is not indicated by Quellette et al. By way of further example, claim 33 requires that the indicia comprises a color that contrasts with the cover layer so as to make the indicia visually apparent to a user of the absorbent article. The specification of the present application describes embodiments where the indicia are printed with "maximum contrast" to "enhance readability for the end user." In stark contrast, Quellette et al. indicates pigmenting its fluid impervious areas 36 so that such areas "exhibit minimal or no visual contrast" with the surrounding material. Col. 5, lines 29-36.

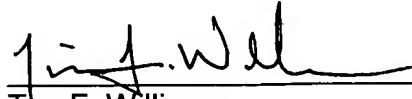
It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Kidwell is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Appl. No. 10/696,181
Amdt. Dated October 18, 2006
Reply to Office Action of July 18, 2006

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read "Tim F. Williams", written over a horizontal line.

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